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JOSEPH McELROY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR S-05-167-DFL
	)	
Plaintiff,	)	
	)	STIPULATION CONTINUING STATUS
v.	)	CONFERENCE AND EXCLUDING TIME;
	)	PROPOSED ORDER
JOSEPH McELROY,	)	
	)	
Defendant.	)	Judge: Hon. David F. Levi
	)	
_____	)	

A status conference is currently scheduled in this case for Thursday, January 12, 2006. Plaintiff United States of America and Defendant JOSEPH McELROY, through their respective attorneys, hereby stipulate and agree to continue the status conference until Thursday, February 23, 2006 at 10:00 a.m. Mr. McElroy's counsel is continuing to investigate this case and needs additional time to prepare.

In light of this, the parties further stipulate and agree that the time period from today, January 11, 2006, to February 23, 2006, be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4, because the failure to grant such a continuance would deny counsel for the defendants the reasonable time necessary for

1 effective preparation, taking into account the exercise of due  
2 diligence.

3 Dated: January 11, 2006  
4 McGREGOR W. SCOTT  
5 United States Attorney

Respectfully submitted,  
DENNIS WAKS  
Acting Federal Defender

6 /s/ Kenneth J. Melikian  
7 KENNETH J. MELIKIAN  
8 Assistant U.S. Attorney  
9 Attorneys for Plaintiff  
10 UNITED STATES OF AMERICA

/s/ Daniel J. Broderick  
DANIEL J. BRODERICK  
Chief Assistant Federal Defender  
Attorneys for Defendant  
JOSEPH McELROY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) NO. CR S-05-167-DFL  
Plaintiff, )  
v. ) ORDER CONTINUING STATUS  
JOSEPH McELROY, ) CONFERENCE  
Defendant. ) Judge: Hon. David F. Levi

Pursuant to the stipulation of the parties, filed on January 11, 2006, IT IS HEREBY ORDERED that the status conference in this case currently scheduled for January 12, 2006, shall be continued to February 23, 2006, at 10:00 a.m. IT IS FURTHER ORDERED that, for the reasons stated in the stipulation, the time period from January 11, 2006, to February 23, 2006, be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h) (8) (B) (iv) and Local Code T4, because the failure to grant such a continuance would deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Dated: January 11, 2006

  
DAVID F. LEVI  
United States District Judge